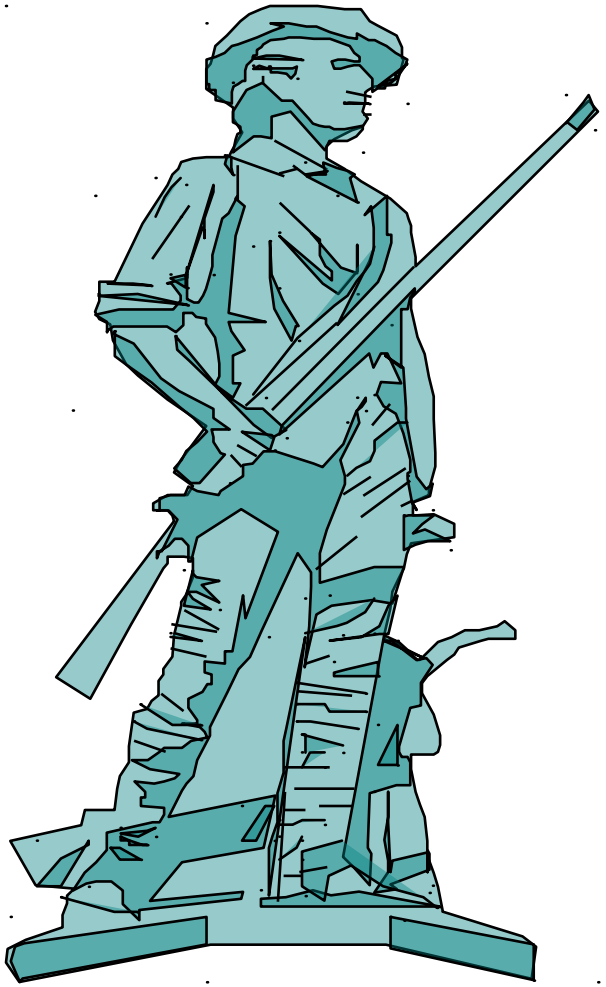


EQUAL EMPLOYMENT OPPORTUNITY OFFICE

Lt Col Valerie Mueck, State Equal Employment Manager (SEEM)
DSN 822-0108 comm (904) 823-0108

TSgt Janine Obando, Equal Employment Opportunity Specialist
DSN 822-0254 comm (904) 823-0254

Office located on second floor, Lightner Museum
Rooms 241 and 242

EEO Office: Primary Responsibilities

- Administer **The Adjutant General's** equal opportunity program (EEO and EO)
- Provide **counsel/advice** on EEO/EO to senior leadership, supervisors, managers
- Administer the EEO/EO Discrimination **Complaints Programs** (Military, Federal Civilian and State)

EEO Office: Primary Responsibilities (con't)

- EEO/EO **Training Program**
- **Unit Climate Assessments** (UCAs) provided to commanders and directors
- Coordinate the ARNG **Diversity Initiative** (ANG HQS coordinates program for Airmen).

EEO Office: Primary Responsibilities (con't)

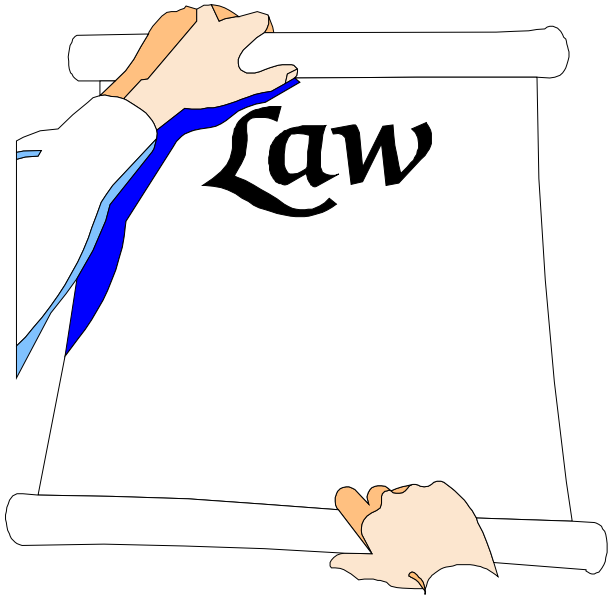
- Oversight for **EO (military) programs** (EOAs, EORs, MEOs) for traditional and AGR members. And, for the federal **civilian EEO program (EEO Counselors). Programs include: Army, Air, non-dual status, and state employees.**

- **Special Emphasis Program**

- **Employee Assistance Program** (EAP or TAP) – a confidential referral program for technicians with personal problems interfering with their work performance.

Equal Employment Opportunity

- The Civil Rights Act of 1866
- The Equal Pay Act of 1963
- Title VII of the Civil Rights Act of 1964
- The Age Discrimination in Employment Act of 1967

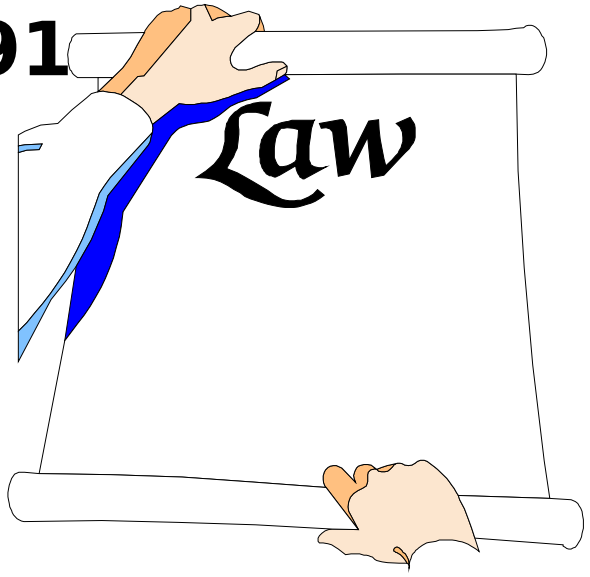


Equal Employment Opportunity

- Sec 503 of the Rehabilitation Act of 1973
- Sec 402 of the Veterans' Readjustment Assistance Act of 1974
- Sec 102 of the Immigration Reform and Control Act of 1986

Equal Employment Opportunity

- **Title I of the Americans with Disabilities Act of 1990**
- **The Civil Rights Act of 1991**
- **Executive Order 11246**



EEO -- The Legal Definition

Providing equal opportunity in employment on the basis of merit and fitness without regard to race, color, religion, sex, national origin, age, and/or disability.

Affirmative Employment

- **Provides equal opportunity in employment for all technician personnel or applicants for employment with the National Guard.**

- **Prohibits discrimination in all aspects of its personnel policies, programs, practices, and operations and of all its working**

Affirmative Employment

- **Employment decisions must be made using EEO provisions under the law.**

- **The Responsible Team -**

  - **Staffer**
  - **SEEM**
  - **Supervisor**

Discrimination

To provide different treatment

or to show favoritism

on a basis other than

individual merit.

EEO Complaint Process

1. Technician complainant has **45 days** to contact an EEO Counselor or the SEEM.

2. The EEO Counselor then has 30 days to conduct an informal inquiry; attempt an informal resolution (60 extra days if ADR process is attempted).

3. If resolution is not reached, a formal complaint may be filed.

EEO Complaint Process

4. When a formal complaint is filed and not resolved, then the AG requests a formal investigation.

5. Investigator conducts formal investigation, and prepares/presents formal Report of Investigation (ROI)

6. The AG or designee meets/holds a discussion with the complainant

EEO/EO Complaint Process

7. If no resolution at that time, Complainant may request a final decision by NGB within 30 days.

8. If complainant is dissatisfied with the NGB decision, the complainant can file a civil action within 180 days from the date of the complaint.

THE MEDIATION PROCESS

- Non-controversial in nature

- Provided through the skills of a trained mediator (not typically from within the direct chain of command)

- Allow parties involved to arrive at what each of them agree is the best resolution

- Permits the Complainant to still pursue a

Supervisor or/or Manager EEO RESPONSIBILITIES

- Understand the goals of the EEO Program, and actively participate in accomplishing these goals

- Create a work environment free of discrimination

- Develop a positive, problem-solving approach to handling discrimination

The Employee Assistance Program (EAP or TAP)

- Unrelated to EEO, this program is currently located in the EEO Office.
- Employees can be referred to professionals for help with personal problems that affect their work performance (marital, financial, substance abuse, stress, anger control issues, etc.)
- EAP is primarily a referral program to outside experts

Employee Assistance Program

- EAP is confidential and voluntary.
- Full-time technicians and AGR members may receive assistance through EAP.
- Deployments, re-deployments, hurricanes, different personalities, heavy workloads, etc. can have a negative affect on employees' marital relations, financial welfare and emotional well-being.

EAP

- Personal challenges at home can cause stress at work.
- “Firm Choice” provides opportunity to delay disciplinary action if employee enters EAP, but it does not automatically stop disciplinary action.
- Supervisors are not privy to the confidential information. If the employee agrees to “firm choice”, the supervisor may only learn if the employee is participating.

EAP

Military OneSource

- Both Air and Army NG offer a “Military One Source” program for military members to receive assistance. www.militaryonesource.com

- Military chaplains are a good source of information on marital problems and stress, for example. They are trained on suicide prevention.

- Contact EEO Office for confidential assistance.

EEO and EAP Programs

ANY QUESTIONS?????

PREVENTION OF

SEXUAL HARASSMENT

DEFINITION

SEXUAL HARASSMENT is unwelcome behavior of a sexual nature in the workplace.

OBJECTIVES

TO RECOGNIZE:

- ✓ **Sexual harassment when it occurs within the wo**
- ✓ **The impact of sexual harassment in terms of co productivity, morale, and retention**
- ✓ **The legal and regulatory responsibilities to prev harassment**

SOME CRITICAL ELEMENTS OF SEXUAL HARASSMENT

- Behavior of a sexual nature may be exhibited in these formats:
  - Verbal communication – oral and written
  - Gestures
  - Physical Contact
- Behavior that is explicitly sexual or contains sexual overtones.
- Deliberate or repeated (does not have to be repeated)
- Inappropriate and/or offensive; it is unwanted, unwelcome behavior.
- Adversely impacts work or the work environment.

TYPES OF SEXUAL HARASSMENT

Two primary types:

1. **QUID PRO QUO** (means “this for that”)

Related to terms or conditions of employment.
Example: “Go out with me and I will give you the promotion you want.”

2. **HOSTILE WORK**

Unwelcome behavior of a sexual nature that may create a disruptive and/or offensive work environment (may interfere with person’s

EXAMPLES OF NON VERBAL SEXUAL HARASSMENT

- Sexually oriented entertainment, both live and recorded
  (i.e., topless dancer, X-rated movies, etc.)

- Looking the other way; failure to curtail inappropriate sexual behavior in the work environment

- Gestures made with intentional overtones (blowing kisses,
  licking lips, winking)

- Leaving sexually oriented cartoons, pictures and magazines

EXAMPLES OF VERBAL SEXUAL HARASSMENT

- Jody calls of a sexual nature
- Barking, growling, or whistling at people passing by
- Sexually degrading language and/or profanity
- Promise of rewards or benefits for “cooperating”
- Telling jokes with sexual connotations
- Personal inquiries unrelated to the work environment and pressure for dates
- Referring to co-workers as “honey”, “baby”

NEGATIVE IMPACTS OF SEXUAL HARASSMENT

- Impairs work & mission performance (unit, victim, & harasser). May lower morale for victim and co-workers.
- Undermines unit chain of command.
- Creates unhealthy climate of fear, suspicion & distrust (stress in the workplace).
- Cost of time and money to process formal discrimination complaints. Mediation helps provide a “win-win” outcome for the parties.

NEGATIVE IMPACTS OF
OF SEXUAL HARASSMENT (Cont'd)

The victim may exhibit these behaviors:

- Work avoidance-excessive sick call, tardiness and absences.
- Fear, anxiety, guilt & depression
- Fear of consequences: retaliation, not being believed, perceived as "whiner", hurting harasser's career and family or damaging the unit's good name.

EMPLOYEE ACTIONS
TO PREVENT/ADDRESS SEXUAL HARASSMENT

- Talk about the issue
- Support the National Guard policies
- Recognize environmental cues
- Check your *own* behavior
- Support your co-workers
- Know your personal rights/the organizational steps and complaint process to achieve action
- ***Seek official help*** when necessary.

IF YOU FEEL YOU HAVE BEEN A VICTIM OF SEXUAL HARASSMENT

- If possible, let the offender know his or her behavior is unacceptable and offensive.

  Sexual harassment cases should be solved at the lowest possible level. In 90% of the time, just telling someone to stop will end the harassment.

- Seek professional EO/EEO advice if the behavior does not stop.

VICTIM ACTIONS IF PROBLEM CONTINUES (AFTER TELLING SOMEONE TO STOP)

- Employees should go to the supervisor or the offender's supervisor with the complaint.

- Employees should continue to use the chain of command if they are still not satisfied with the outcome.

- At any point, victims or their supervisors should consult with HRO/EEO personnel:
  -- for AGR, technician or DSG/M-Day, contact Lt Col Valerie Mueck x0108
  -- for state employees, contact Mr. Joe Camit x0239

SEXUAL HARASSMENT FEARS

- False Accusations
- Physical violence
- Misinterpretation of conduct
- Labeling and stereotyping
- Skeletons in the closet
- Misuse of power

SEXUAL HARASSMENT FEARS (Con't)

- Violations of confidentiality (as a witness, complainant or respondent)

- Command will regard complaint as inconsequential

- Existence of the "good ole boy" environment in the workplace

TO AVOID BEING ACCUSED OF SEXUAL HARASSMENT

- Think before you make a gesture, say anything, or touch anyone in a manner that might be construed as offensive. Ask yourself, “Would I do this in the presence of my mother, father, spouse, children?”

- Remember that sexual harassment is not necessarily committed by men toward women, as the popular stereotype. A man could find another man’s pin-up posters offensive. Likewise, women can be the harassers toward either gender.

SUPERVISORS – Be Professional Handling Sexual Harassment Issues

- Sexual harassment poses a unique set of problems for leadership. Male supervisors might be reluctant to correct female subordinates regarding their work attire, for example, because they are afraid of sexual harassment charges.
- *The KEY is to be professional*. When counseling, be job-specific. Do not let emotions come into play. Stick to what is right and wrong behavior, do not attack the person.

RESPONSIBILITIES OF LEADERS

- **Examine your own personal behaviors.**

- **Provide an environment free of intimidation, hostility, or psychological stress.**

- **Control social interactions (ex., use of alcohol) so that they do not interfere with productivity.**

- **Take corrective action whenever sexual behavior is displayed.**

- **The agency is liable/responsible for discrimination when they knew, or should have known about**

WORKPLACE INTEGRITY

IF YOU WOULDN'T WANT IT SAID OR DONE, TO OR AROUND YOUR....

PARENT
SIBLING
FRIEND
CHILD

<u>IT DOESN'T BELONG IN THE WORKPLACE</u>

PREVENTION OF SEXUAL HARSSMENT

ANY QUESTIONS???????????